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8 *Attorney for Defendants City of Phoenix,
Officer Christopher Turiano, and Officer
William Gates*

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 Susan Gellos, individually; Taryn
10 Foster, individually,
11 Plaintiffs,

No.

**PHOENIX DEFENDANTS' NOTICE OF
FILING REMOVAL**

12 vs.
13 City of Phoenix, a governmental
14 agency; Christopher John Turiano and
15 Jane Doe Turiano, husband and wife;
16 William Gates and Jane Doe Gates,
17 husband and wife; Richard Lee Brunton
18 and Jane Doe Brunton, husband and
19 wife; John and Jane Does 1-X; ABC
Corporations I-X; XYZ Partnerships I-X,
Defendants.

20 Defendants City of Phoenix, Officer Christopher Turiano, and Officer William
21 Gates ("Phoenix Defendants"), by and through undersigned counsel, and pursuant to 28
22 U.S.C. § 1441(a) and LRCiv 3.7, hereby notice the removal of the above referenced
23 action commenced and now pending in the Superior Court of the State of Arizona, in
24

1 and for the County of Maricopa entitled *Susan Gellos, individually; Taryn Foster, individually, Plaintiff, vs. City of Phoenix, et. al., Defendants*, Civil Action No. 2 CV2024-004703, and in support of removal asserts the following:

4 1. Petitioners are Defendants in the Superior Court of the State of Arizona in
5 and for the County of Maricopa under the caption *Susan Gellos, individually; Taryn*
6 *Foster, individually, Plaintiff, vs. City of Phoenix, et. al., Defendants*, Civil Action No.
7 CV2024-004703. Copies of the Complaint and all other documents previously filed in
8 this matter are in Exhibit "A" of the Index filed simultaneously with this pleading.

9 2. The first date upon which any Defendant received a copy of the Complaint
10 was May 23, 2024, in which a copy was delivered to the Phoenix City Clerk.

11 3. Upon information and belief, not all Defendants have been served with the
12 Complaint.

13 4. Plaintiffs have asserted claims of violation of his Civil Rights pursuant to
14 42 U.S.C. § 1983, including allegations of excessive use of force.

15 5. This Notice of Removal is being filed within 30 days after service of the
16 Complaint and is therefore timely under 28 U.S.C. § 1446(b).

17 6. A Notice of Filing of Notice of Removal has been filed in the Arizona
18 Superior Court, County of Maricopa, on behalf of Defendants. A true and correct copy
19 of the Notice is in Exhibit "B" of the Index filed simultaneously with this pleading.

20 WHEREFORE, Phoenix Defendants respectfully request that the above action
21 now pending in the Arizona Superior Court, Maricopa County, be removed to this
22 Court.

23 ///

24

1 DATED this 24th day of June, 2024.

2
3 Office of the Phoenix City Attorney
4 Julie M. Kriegh, City Attorney

5 By /s/ Karen Stillwell
6 Karen Stillwell
7 Assistant City Attorney
8 *Attorneys for Defendants City of Phoenix,
9 Officer Christopher Turiano, and Officer
10 William Gates*

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CERTIFICATE OF SERVICE

10 I hereby certify that on June 24, 2024, I electronically transmitted the attached
11 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
12 Notice of Electronic Filing was sent to the following CM/ECF registrants:

13 Sean A. Woods
14 Mills and Woods Law PLLC
15 5055 North 12th Street, Suite 101
16 Phoenix, Arizona 85014
17 Attorneys for Plaintiffs

18 By: /s/ M. Elena Sandoval

19 KLS:ca #2442012_1

Exhibit A

1 Sean A. Woods (Arizona Bar #028930)
 2 Robert T. Mills (Arizona Bar #018853)
MILLS + WOODS LAW, PLLC
 3 5055 North 12th Street, Suite 101
 4 Phoenix, Arizona 85014
 5 Telephone 480.999.5169
docket@millsandwoods.com
swoods@millsandwoods.com
 6 *Attorneys for Plaintiffs*

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
 8 **IN AND FOR THE COUNTY OF MARICOPA**

9 SUSAN GELLOS, individually; TARYN
 10 FOSTER, individually,

Case No: CV2024-004703

11 Plaintiffs,
 12 vs.

VERIFIED COMPLAINT

13 CITY OF PHOENIX, a governmental
 14 agency; CHRISTOPHER JOHN
 15 TURIANO and JANE DOE TURIANO,
 16 husband and wife; WILLIAM GATES and
 17 JANE DOE GATES, husband and wife;
 18 RICHARD LEE BRUNTON and JANE
 19 DOE BRUNTON, husband and wife;
 20 JOHN AND JANE DOES I-X; ABC
 21 CORPORATIONS I-X; XYZ
 22 PARTNERSHIPS I-X,

(JURY TRIAL DEMANDED)

23 Defendants

24 Plaintiffs, by and through their attorneys, Mills + Woods Law, PLLC, for their
 25 Complaint against the CITY OF PHOENIX, a governmental entity (the “City”);
 26 CHRISTOPHER JOHN TURIANO (“Turiano”) and JANE DOE TURIANO, husband and
 27 wife; WILLIAM GATES (“Gates”) and JANE DOE GATES, husband and wife (the City,
 28 Turiano, and Gates collectively “Phoenix Defendants”); RICHARD LEE BRUNTON
 (“Brunton”) and JANE DOE BRUNTON, husband and wife; JOHN AND JANE DOES I-
 X; ABC CORPORATIONS I-X; and XYZ PARTNERSHIPS I-X, (collectively

1 "Defendants"), hereby allege as follows:

2 **INTRODUCTION**

3 This case arises out of the unlawful and wrongful use of excessive force by the
 4 Phoenix Police Department through the City of Phoenix, the officers, and individuals listed
 5 as defendants. Plaintiff Susan Gellos – a senior citizen – and Plaintiff Taryn Foster – a
 6 disabled individual – were wrongly and violently removed from the seats they paid for to
 7 the March 9, 2023 Jimmy Buffett Concert at the Footprint Center in downtown Phoenix
 8 Arizona. The Defendants' actions caused a closed fracture of Gellos' humerus in her right
 9 upper arm, tremendous pain and suffering to Gellos, psychological trauma that still exists
 10 to this day, and a lifetime of diminished capacity usage of her right arm. Furthermore, as
 11 Taryn was forced to watch these recklessly indifferent actions being taken on her mother,
 12 Taryn has also suffered psychological trauma and pain and suffering.

13 **JURISDICTION AND VENUE**

14 1. Pursuant to 42 U.S.C. §1983 *et seq.*, Plaintiffs bring this action for violations
 15 of the United States Constitution, including without limitation the Fourth and Fourteenth
 16 Amendments and Arizona common and statutory laws.

17 2. The amount in controversy exceeds the minimal jurisdictional limits of this
 Court.

18 3. Jurisdiction is proper pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1337(a).

19 4. To the extent applicable, and without conceding that said statute applies,
 20 Plaintiffs have served their Notice of Claim upon Defendants in compliance with A.R.S.
 21 §12-821, *et seq.* More than sixty (60) days have expired since Plaintiffs served their Notice
 22 of Claim and Defendants have not responded in any manner to said Notice of Claim.

23 5. Pursuant to Article 6, Section 14 of the Arizona Constitution, this court has
 24 original subject matter jurisdiction in this Complaint because the claims relate to causes of
 25 action, the underlying acts and/or omissions for which, at all times relevant, have caused
 26 the events alleged herein to occur with primary effect in Maricopa County, Arizona.

27 6. Venue is proper pursuant to 28 U.S.C. § 1331(b) and in that the specific acts
 28 giving rise to the causes of action alleged herein occurred with primary effect in Maricopa

1 County, Arizona.

2 **PARTIES**

3 7. The CITY OF PHOENIX is a governmental entity that acts by and through
4 its officials, employees, and agents, including without limitation the Phoenix Police
5 Department, and each of the other Defendants in this action except for Defendants
6 RICHARD LEE BRUNTON and JANE DOE BRUNTON.

7 8. Upon information and belief, CHRISTOPHER JOHN TURIANO and JANE
8 DOE TURIANO, are husband and wife and at all material times were residents of Maricopa
9 County, Arizona.

10 9. CHRISTOPHER JOHN TURIANO is a Police Officer, employed by and is
11 an agent of the City of Phoenix and the Phoenix Police Department, operating in his official
12 and individual capacity in Maricopa County, Arizona.

13 10. Upon information and belief, WILLIAM GATES and JANE DOE GATES,
14 are husband and wife and at all material times were residents of Maricopa County, Arizona.

15 11. WILLIAM GATES is a Police Officer, employed by and is an agent of the
16 City of Phoenix and the Phoenix Police Department, operating in his official and individual
17 capacity in Maricopa County, Arizona.

18 12. Upon information and belief, RICHARD LEE BRUNTON and JANE DOE
19 BRUNTON, are husband and wife and at all material times were residents of Maricopa
County, Arizona.

20 13. Defendants JANE DOE TURIANO, JANE DOE GATES, JANE DOE
21 BRUNTON, and JOHN and JANE DOES I-X are included as Defendants because the
22 Phoenix Defendants were acting for the benefit of their respective marital communities, if
23 any, and therefore the respective marital communities, if any, are liable for their actions as
24 set forth herein.

25 14. The City of Phoenix is vicariously liable under the principle of *respondeat
superior* for the actions and inactions of the employees of the Phoenix Police Department
26 and its employees and any private contractors including those employees or contractors
27 named as defendants in this action, as to any claims that are asserted by Plaintiff as a result
28

1 of violations of the Arizona Constitution and Arizona common law because, at all relevant
2 times, Defendants were acting within the course and scope of their employment or contract
3 with the City or entities privately contracted with the City.

4 15. For purposes of Plaintiffs' claims arising under Federal law, including
5 without limitation the United States Constitution and 42 U.S.C. §1983 et seq., and as may
6 be relevant to Plaintiff's state law claims, at all relevant times described herein, Defendants
7 were acting under color of state law.

8 16. Defendants John and Jane Does I-X, ABC Corporations I-X, and XYZ
9 Partnerships I-X are, and at all material times were persons, agents, servants, employees,
10 corporations and /or business entities whose true names and identities are not known to
11 Plaintiffs at the present time.

12 17. Plaintiffs allege, upon information and belief, that Defendants John and Jane
13 Does I-X are citizens or residents of the State of Arizona.

14 18. Plaintiffs allege that Defendants ABC Corporations I-X, and XYZ
15 Partnerships I-X are entities authorized to conduct business and are conducting business
16 within Arizona.

FACTUAL ALLEGATIONS

17 19. On March 9, 2023, Gellos and Foster were in attendance for the Jimmy
18 Buffett concert at Footprint Center located at 201 E Jefferson St, Phoenix, AZ 85004.

19 20. While in line, Susan was singing Jimmy Buffett songs.

20 21. One of the other patrons in line made a rude comment to Gellos and Gellos
21 asked her to mind her own business.

22 22. When Gellos told this unnamed patron to mind her own business, upon
23 information and belief, the patron falsely reported that Gellos and Foster were fighting with
24 them.

25 23. After entering Footprint, Footprint security approached Gellos and Foster
26 and told them that they had reason to believe they were intoxicated.

27 24. Gellos and Foster said they were fine but would like a wheelchair for Foster
28 and an escort to their seats.

- 1 25. This occurred.
- 2 26. They were seated and the wheelchair was taken away.
- 3 27. Approximately twenty (20) minutes passed and Gellos left to buy drinks for
- 4 her and Foster.
- 5 28. Gellos encountered one of the ladies who had previously made rude
- 6 comments.
- 7 29. Gellos ignored her and went back to her seats.
- 8 30. About fifteen (15) minutes passed and an employee of Footprint came to
- 9 Gellos and said that she had to leave but Foster could stay.
- 10 31. Gellos and Foster were understandably taken aback by this and protested this
- 11 command because they were there to enjoy the concert and had floor seats.
- 12 32. Gellos and Foster were calm and said they did not want any drama.
- 13 33. Security, including Brunton, refused to listen to Gellos and Foster.
- 14 34. Footprint security, including Brunton, then grabbed Gellos by all four limbs
- 15 and forcefully and indelicately carried her out of the seating areas of the arena.
- 16 35. Brunton began violently swinging Gellos and wrenching her arm.
- 17 36. It was at this time that Gellos began feeling extreme pain in her arms due to
- 18 the reckless and grossly negligent nature of the fashion she was being carried by the
- 19 security detail including Brunton.
- 20 37. Gellos believed her arm had been broken.
- 21 38. The security guards became frantic about their mistakes and took multiple
- 22 pictures.
- 23 39. Shortly thereafter, the security detail met with Phoenix Police officer Turiano
- 24 and Gates.
- 25 40. Brunton had Gellos' arm locked behind her and pushed her into the elevator.
- 26 41. Turiano then put Gellos into an armlock on her right arm.
- 27 42. The pain became unbearable and Gellos attempted to position her body in a
- 28 position to relieve the pain in her arm.
43. The Defendants responded with even more force – so much so that they

1 contributed to Gellos' injuries – making them worse.

2 44. Brunton and Turiano all participated in the reckless activities leading to
3 Gellos' injuries.

4 45. Gates failed to intervene to stop the recklessly indifferent actions of a citizen
5 and fellow officer.

6 46. In their police reports, Gates and Turiano claim that Gellos was a danger to
7 them and somehow caused them harm – so much so that breaking her arm in half was
8 justified.

9 47. The level of force used against a small senior citizen woman was grossly
10 negligent and recklessly indifferent to Gellos' person.

11 48. She was dwarfed by the officers.

12 49. Again, the force applied by the Defendants was such that it snapped her arm
13 in half.

14 50. The pain created by such force necessarily created involuntary movements
15 by Gellos.

16 51. Gellos never intended to resist anything nor did she.

17 52. Her body merely reacted to the extreme pain created by the Defendants.

18 53. Any contact by Gellos' body with any of the Defendants was unintentional
19 and due to this agonizing pain.

20 54. Gellos' daughter was forced to watch the torture inflicted on her mother.

21 55. If not for the egregious and grossly negligent actions of the Defendants,
22 Gellos would remain healthy and would have avoided injury at their hands.

23 56. Foster would not have been subjected to watching her mother be cruelly and
24 maliciously attacked.

25 57. Foster was so shocked that she could no longer stand nor walk.

26 58. She needed a wheelchair to continue.

27 59. It shocks the conscience that Foster was forced to watch these events.

28 60. It shocks the conscience that Gellos was forced to endure pain and brutal
attacks that eventually snapped her arm in half.

61. It should be noted that the events described in the Police Reports obtained are disputed by Gellos and Foster.

COUNT I
GROSS NEGLIGENCE
(Phoenix Defendants)

62. Plaintiffs incorporate the allegations in the foregoing paragraphs as though fully set forth herein.

63. Under Arizona Revised Statute § 12-820.02(A) a public employee acting within the scope of the public employee's employment can be liable for damages and injuries if the employee was grossly negligent.

64. The Phoenix Defendants' actions were willful and wanton with reckless indifference to Gellos' life and safety.

65. The Phoenix Defendants' actions created an unreasonable risk of harm to Gellos and that risk was so great that it was highly probable that harm would have resulted.

4 66. Defendants systematically and repeatedly acted with reckless indifference
5 towards Gellos' life and safety, including their acts and omissions set forth above, resulting
6 in the severe and debilitating injuries to Gellos.

7 67. Defendant City of Phoenix is vicariously liable under *respondeat superior*
8 for the actions of any employee, agent, or servant of the City of Phoenix, including that of
9 the other named Defendants in this case.

68. Defendant Turiano was grossly negligent and acted with reckless indifference to Gellos' life and safety by using excessive force objectively unreasonable under the totality of the circumstances.

3 69. The remaining Phoenix Defendant Gates breached the standard of care by
4 failing to intercede or intervene to prevent their fellow officers from using unwarranted,
4 reckless force with wanton disregard to the preservation of life.

70. The Phoenix Defendants, while acting as agents and employees for the
Phoenix Police Department, owed a duty to Gellos to perform their responsibilities as
officers of the law without reckless indifference to Gellos' life and safety.

1 71. The Phoenix Defendants, while acting as agents and employees for Phoenix
2 Police Department, owed a duty to Gellos to act objectively reasonably and without
3 reckless indifference to Gellos' life and safety.

4 72. The Phoenix Defendants' use of excessive force upon Gellos constitutes
5 reckless indifference to Gellos' life and safety and gross negligence for which the Phoenix
6 Defendants are individually liable.

73. The Phoenix Defendants' conduct, in not using other less restrictive means
7 that were readily available, constitutes gross negligence for which the Phoenix Defendants
8 are individually liable.

74. In taking the actions as described above, the Phoenix Defendants breached their duty to refrain from such unreasonable and recklessly indifferent conduct.

1 75. As a direct and proximate result of Defendants' breach, Gellos sustained
2 severe and permanent injuries, suffered extreme pain and suffering, lessened her ability to
3 have and maintain meaningful familial relationships, and lessened her ability to provide
4 for her daughter, Foster.

5 76. Defendants' acts and omissions set forth above, also demonstrate gross and
6 wanton negligence in that each of them knew or had reason to know that their acts
7 individually and collectively created an unreasonable risk of bodily harm to Gellos and a
8 high probability that substantial harm would result.

COUNT II
NEGLIGENCE

(Brunton and JOHN and JANE DOES I-X)

2 77. Plaintiffs incorporate the allegations in the foregoing paragraphs as though
fully set forth herein.

78. Brunton and John and Jane Does I-X were security guards employed at the Footprint Center at the time of the Jimmy Buffett concert on March 9, 2023.

5 79. Brunton and John and Jane Does I-X took it upon themselves to accost Gellos
6 and Foster and gain control over their physical bodies.

7 80. At that point, a duty was created for Brunton and John and Jane Does I-X to

1 act reasonably and not cause harm to Gellos or Foster.

2 81. Brunton and John and Jane Does I-X breached that duty.

3 82. Through their actions, Brunton and John and Jane Does I-X actually caused
4 harm to Gellos and Foster.

5 83. Gellos' and Foster's injuries were a foreseeable result of Brunton's and John
6 and Jane Does I-X's actions.

7 84. Their actions were the proximate cause of the harm Gellos and Foster
8 sustained.

9 85. The harm resulted in economic and physical damages to Gellos and Foster.

10 86. Their conduct was willful and wanton sufficient enough to warrant punitive
11 damages.

12 **COUNT III**

13 **INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS**

14 (All Defendants)

15 87. Plaintiffs incorporate the allegations in the foregoing paragraphs as though
16 fully set forth herein.

17 88. The Defendants' intentional, willful, and wanton actions as alleged herein
18 caused Gellos emotional distress.

19 89. Gellos suffered severe emotional distress which has physically manifested in
20 weight loss, nightmares, and behavioral changes, all of which were nonexistent before the
21 Jimmy Buffett concert.

22 90. Gellos has suffered damages in an amount to be proven at trial as a result.

23 **COUNT IV**

24 **NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS**

25 (All Defendants)

26 91. Plaintiffs incorporate the allegations in the foregoing paragraphs as though
27 fully set forth herein.

28 92. The Defendants' negligence and intentional, willful, and wanton actions as
29 alleged herein caused Foster – Gellos' daughter - emotional distress.

93. Foster suffered severe emotional distress which has physically manifested in weight loss, nightmares, and behavioral changes, all of which were nonexistent before the Jimmy Buffett concert.

4 94. Foster has suffered damages in an amount to be proven at trial as a result.

COUNT V
ASSAULT AND BATTERY

(All Defendants)

95. Plaintiffs incorporate the allegations in the foregoing paragraphs as though fully set forth herein.

96. The Defendants intentionally used excessive force that ended up breaking Gello's arm.

97. This conduct caused harmful or offensive contact with Gellos.

98. As a direct and proximate result of this harmful or offensive contact, Gellos was injured.

99. The Defendants' acts constitute assault and battery upon Gellos in that the above-described bodily contact was intentional, unauthorized, or grossly offensive in nature.

100. The acts and omissions of the Offenders were intentional, negligent, reckless, and unwarranted, and without any just cause or provocation.

101. As a result, Gellos has sustained damages in an amount to be proven at trial.

COUNT VI

EXCESSIVE FORCE IN VIOLATION OF THE FOURTEENTH AMENDMENT

AND 42 U.S.C. § 1983

(Phoenix Defendants)

102. Plaintiffs incorporate the allegations in the foregoing paragraphs as though fully set forth herein.

103. 42 U.S.C. § 1983 provides individuals with a cause of action to sue for violations of his or her constitutional rights. The 14th Amendment protects individuals from constitutional violations of State and local authorities. As incorporated by the 14th

1 Amendment, the 4th Amendment protects individuals from the use of excessive force by
2 law enforcement officers. The Defendants, while acting in their official capacity and
3 individual capacities and under the color of law, violated Plaintiffs' rights to freedom from
4 unreasonable seizures.

5 104. The Phoenix Defendants acted willfully, knowingly, and with specific intent
6 to deprive Plaintiffs of their rights under the Fourteenth Amendment of the United States
7 Constitution, including their right to be secure in their person and free from the use of
8 unreasonable force and seizure.

9 105. The Phoenix Defendants acted unreasonably by using unnecessarily
10 excessive force as described herein.

11 106. Gellos was not resisting arrest.

12 107. Gellos was unarmed.

13 108. Gellos did not present a danger to herself or the community.

14 109. As discussed herein, Gellos, a woman, is a senior citizen and was much
15 smaller than the Phoenix Defendants.

16 110. Despite the clear evidence that Gellos was unarmed, not a danger to self or
17 community, and not resisting arrest, the Phoenix Defendants used excessive force which
18 was objectively unreasonable under the totality of the circumstances, and which caused
Gellos' right humerus to snap.

19 111. Gates failed to intercede or intervene to prevent his fellow officers from using
20 unwarranted, reckless force with wanton disregard to the preservation of life.

21 112. Gellos' injuries were the direct result of the Phoenix Defendants' actions and
22 inactions.

23 113. Additionally, the acts of the Phoenix Defendants and their employees and
24 agents, as set forth above, demonstrate gross and wanton negligence in that each of them
25 knew or had reason to know that their acts individually and collectively created an
26 unreasonable risk of bodily harm to Gellos and a high probability that substantial harm
would result.

27 114. In causing the painful and barbaric injuries, the Phoenix Defendants and their
28

1 employees and agents acted with an evil mind and a malignant heart warranting an award
 2 of punitive damages.

3 **COUNT VII**

4 **DUTY AND FAILURE TO INTERVENE**

5 *(Gates)*

6 115. Plaintiffs incorporate the allegations in the foregoing paragraphs as though
 7 fully set forth herein.

8 116. “[P]olice officers have a duty to intercede when their fellow officers violate
 9 the constitutional rights of a suspect or other citizen.” *Cunningham*, 229 F.3d at 1289
 10 (quotations omitted) (quoting *United States v. Koon*, 34 F.3d 1416, 1447, n.25 (9th Cir.
 11 1994)). “Importantly, however, officers can be held liable for failing to intercede only if
 12 they had an opportunity to intercede.” *Id.* (citation omitted).

13 117. Law enforcement officers who have a realistic opportunity to prevent a
 14 fellow officer from violating a citizen's Constitutional rights have a duty to intervene to
 15 protect the victim from the unconstitutional retaliation, use of force or violation of due
 16 process of law.

17 118. As set forth herein, at no time did Gates make any affirmative step to
 18 intervene to protect Plaintiffs' Constitutional rights.

19 119. The acts and/or omissions of Gates were willful, wanton, reckless, malicious,
 20 oppressive and/or done with a conscious or reckless disregard for the rights of Plaintiffs.

21 120. Plaintiffs, therefore, prays for an award of punitive and exemplary damages
 22 against these individual defendants in an amount to be determined according to proof.

23 121. Plaintiffs suffered damages as a direct and proximate result of the illegal acts
 24 of the Gates in failing to intervene.

25 **JURY TRIAL DEMAND**

26 122. Plaintiffs hereby demand a jury trial in this matter as to all claims and
 27 against all Defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs requests that the Court enter judgment against the Defendants and in favor of the Plaintiffs, as follows:

- a) For compensatory, general and special damages against each and every Defendant, jointly and severally, in an amount to be proven at trial;
- b) For all other non-pecuniary damages as to be proven at trial;
- c) For punitive and exemplary damages against Defendants in an amount appropriate to punish the wrongful conduct alleged herein and to deter such conduct in the future;
- d) For pre-and post-judgment interest to the extent provided by law;
- e) For Plaintiffs' incurred costs, including all incurred attorneys' fees and court costs, pursuant to 42 U.S.C. §1988 and as otherwise authorized by any other statute or law; and
- f) For such other relief as this Court may deem proper.

RESPECTFULLY SUBMITTED this 8th day of March 2024.

MILLS + WOODS LAW, PLLC

By /s/ Sean A. Woods
Error! Reference source not found.
Sean A. Woods
5055 North 12th Street, Suite 101
Phoenix, Arizona 85014
Attorneys for Plaintiffs

ORIGINAL filed this 8th day of March 2024
via AZTurboCourt with the Clerk of the
Maricopa County Superior Court.

/s/ Ben Dangerfield

VERIFICATION

Susan Gellos and Taryn Foster declare as follows:

We are the Plaintiffs in the foregoing Verified Complaint and know the contents thereof. We declare, under penalty of perjury, that the allegations contained therein are true and correct to the best of our knowledge, except those made upon information and belief, and as to those, we believe them to be true.

EXECUTED Mar 8, 2024

Susan Kay Gellos
Susan Kay Gellos (Mar 8, 2024 17:05 MST)

Susan Gellos

Taryn Foster

MILLS + WOODS LAW, PLLC
5055 North 12th Street, Ste 101
Phoenix, AZ 85014
Telephone: 480.999.4556

VERIFICATION

Susan Gellos and Taryn Foster declare as follows:

We are the Plaintiffs in the foregoing Verified Complaint and know the contents thereof. We declare, under penalty of perjury, that the allegations contained therein are true and correct to the best of our knowledge, except those made upon information and belief, and as to those, we believe them to be true.

EXECUTED Mar 8, 2024

Susan Gellos

Tanya Ford

Taryn Foster

MILLS + WOODS LAW, PLLC
65055 North 12th Street, Ste 101
Phoenix, AZ 85014
Telephone: 480.999.4556

**In the Superior Court of the State of Arizona
In and For the County of Maricopa**

Clerk of the Superior Court
*** Electronically Filed ***
M. Farrow, Deputy
3/8/2024 5:36:18 PM
Filing ID 17470657

Plaintiff's Attorneys:

Sean A. Woods - Primary Attorney
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Law Firm: Mills + Woods Law, PLLC
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CV2024-004703

Robert T. Mills
Bar Number: 018853, issuing State: AZ
Law Firm: Mills + Woods Law, PLLC
Telephone Number: (480)999-4556

Plaintiffs:

Susan Gellos

Taryn Foster

Defendants:

City of Phoenix

Christopher John Turiano

Jane Doe Turiano

William Gates

Jane Doe Gates

Richard Lee Brunton

Jane Doe Brunton

Discovery Tier t3

Case Category: Tort Non-Motor Vehicle

Case Subcategory: Negligence

Person/Attorney Filing: Sean A. Woods
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[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Susan Gellos, et al.

Plaintiff(s),

v.

City of Phoenix, et al.

Defendant(s).

Case No. CV2024-004703

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Sean A. Woods /s/
Plaintiff/Attorney for Plaintiff

Person/Attorney Filing: Sean A. Woods
 Mailing Address: 5055 N. 12th St. Suite 101
 City, State, Zip Code: Phoenix, AZ 85014
 Phone Number: (480)999-4556
 E-Mail Address: swoods@millsandwoods.com
 Representing Self, Without an Attorney
 (If Attorney) State Bar Number: 028930, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 IN AND FOR THE COUNTY OF MARICOPA

Susan Gellos, et al.

Plaintiff(s),

v.

City of Phoenix, et al.

Defendant(s).

Case No. CV2024-004703

SUMMONS

To: City of Phoenix

**WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT
 AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO
 NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

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Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *March 08, 2024*

JEFF FINE
Clerk of Superior Court

By: **M. FARROW**
Deputy Clerk



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If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Clerk of the Superior Court
*** Electronically Filed ***
M. Farrow, Deputy
3/8/2024 5:36:18 PM
Filing ID 17470660

Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 101
City, State, Zip Code: Phoenix, AZ 85014
Phone Number: (480)999-4556
E-Mail Address: swoods@millsandwoods.com
[] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 028930, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Susan Gellos, et al.

Plaintiff(s),

v.

City of Phoenix, et al.

Defendant(s).

Case No. CV2024-004703

SUMMONS

To: Christopher John Turiano

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Deputy Clerk



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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 IN AND FOR THE COUNTY OF MARICOPA

Susan Gellos, et al.
 Plaintiff(s),
 v.
 City of Phoenix, et al.
 Defendant(s).

Case No. CV2024-004703

SUMMONS

To: Jane Doe Turiano

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Clerk of the Superior Court
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M. Farrow, Deputy
3/8/2024 5:36:18 PM
Filing ID 17470662

Person/Attorney Filing: Sean A. Woods
Mailing Address: 5055 N. 12th St. Suite 101
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Susan Gellos, et al.

Plaintiff(s),

v.

City of Phoenix, et al.

Defendant(s).

Case No. CV2024-004703

SUMMONS

To: William Gates

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 IN AND FOR THE COUNTY OF MARICOPA

Susan Gellos, et al.

Plaintiff(s),

v.

City of Phoenix, et al.

Defendant(s).

Case No. CV2024-004703

SUMMONS

To: Jane Doe Gates

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By: **M. FARROW**
Deputy Clerk



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IN AND FOR THE COUNTY OF MARICOPA

Susan Gellos, et al.

Plaintiff(s),

v.

City of Phoenix, et al.

Defendant(s).

Case No. CV2024-004703

SUMMONS

To: Richard Lee Brunton

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3/8/2024 5:36:18 PM
Filing ID 17470665

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v.

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Case No. CV2024-004703

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To: Jane Doe Brunton

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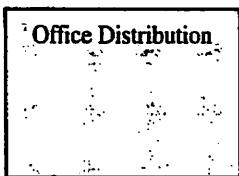
JEFF FINE
Clerk of Superior Court

By: *M. FARROW*
Deputy Clerk



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**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

05/11/2024

COURT ADMINISTRATION

Case Number: CV2024-004703

FILED
05/15/2024
by Superior Court Admin
on behalf of Clerk of the
Superior Court

Ct. Admin
Deputy

Susan Gellos

V.

City Of Phoenix

The Judge assigned to this action is the Honorable Michael D Gordon

NOTICE OF INTENT TO DISMISS FOR LACK OF SERVICE

You are hereby notified that the complaint filed on 03/08/2024 is subject to dismissal pursuant to Rule 4 (i) of the Arizona Rules of Civil Procedure. The deadline for completing service is 06/06/2024. If the time for completing service has not been extended by the court and no defendants have been served by this date, the case will be dismissed without prejudice.

All documents required to be filed with the court should be electronically filed through Arizona Turbo Court at www.azturbocourt.gov.

Superior Court of Maricopa County - Integrated Court Information System
Endorsee Party Listing
Case Number: CV2024-004703

Party Name	Attorney Name	
Susan Gellos	Sean Woods	Bar ID: 028930
Taryn Foster	Sean Woods	Bar ID: 028930

CLERK OF THE
SUPERIOR COURT
FILED
T. GARVEY, DEP

2024 MAY 28 PM 3:17

1 T. Scott Legal Support Services
2 Gary Steiner ID# MC 7767
3 (480) 227-7297
4 Tscottlegal2007@aol.com

5
6 SUPERIOR COURT OF ARIZONA
7 MARICOPA COUNTY

8
9
10
11
12
13

14 In re the matter of:)
15)
16 SUSAN GELLOS, et al.,)
17)
18 Plaintiff(s),)
19)
20 v.)
21)
22 CITY OF PHOENIX, et al,)
23)
24 Defendant(s).)
25)
26)
27)
28)
29)

Case No: CV2024-004703

CERTIFICATE OF SERVICE

1. I, Gary Steiner, swear that I am currently registered as a Private Process Server pursuant to
2. Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on May 23, 2024, I
3. received: Summons, Complaint, Certificate Of Compulsory Arbitration and a Verified
4. Complaint from The Plaintiff(s).
5. I then proceeded to successfully serve the above described documents on the City of
6. Phoenix at 200 W. Washington Ave., 15th Floor, Phoenix, Arizona on May 23, 2024 at
7. approximately 2:52 pm. I verified Frances Dent, Special Deputy City Clerk, could accept
8. service and served her.
9. This is considered to be personal service.
10. The fee I charged for this service was \$85.

11 I declare under the penalty of perjury that the foregoing is true and correct

12 
13 Gary Steiner

14 5/28/24
15 Date

CLERK OF THE SUPERIOR COURT

FILED

5/31/24 4:05PM

G. Atkins, Deputy

1 T. Scott Legal Support Services
2 Gary Steiner ID# MC 7767
3 (480) 227-7297
3 Tscottlegal2007@aol.com

4 SUPERIOR COURT OF ARIZONA
5 MARICOPA COUNTY

6 In re the matter of:)
7 SUSAN GELLOS, et al.,)
8 Plaintiff(s),) Case No: CV2024-004703
9 v.)
10 CITY OF PHOENIX, et al.,)
11 Defendant(s).)
12 _____)
13)

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15 Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on May 23, 2024, I
16 received; Summons, Complaint, Certificate Of Compulsory Arbitration and a Verified
17 Complaint from The Plaintiff(s).
18 2. I then proceeded to successfully serve the above described documents on Richard Lee
19 Brunton at [REDACTED] on May 30, 2024 at approximately 8:55 pm. I
20 knocked and Richard answered. I then verbally identified and served him. He is not married.
21 3. This is considered to be personal service.
22 4. The fee I charged for this service was \$125.

23 I declare under the penalty of perjury that the foregoing is true and correct



24 Gary Steiner
25
26
27
28
29

5/31/24

Date

CLERK OF THE
SUPERIOR COURT
FILED
T. BLAND, BPD

2024 JUN -5 PM 1:14

1 T. Scott Legal Support Services
2 Gary Steiner ID# MC 7767
3 (480) 227-7297
3 Tscottlegal2007@aol.com

4 SUPERIOR COURT OF ARIZONA
5 MARICOPA COUNTY

6 In re the matter of:)
7 SUSAN GELLOS, et al.,)
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12 Defendant(s).)
13 _____)

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15 Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on May 23, 2024, I
16 received; Summons, Complaint, Certificate Of Compulsory Arbitration and a Verified
17 Complaint from The Plaintiff(s).
18 2. I then proceeded to successfully serve the above described documents on Christopher John
19 Turiano at [REDACTED] Arizona on June 4, 2024 at approximately 3:05 pm. I
20 knocked on the door inside the garage structure and asked for Christopher Turiano. When he
21 came to the door I then verbally identified and served him.
22 3. This is considered to be personal service.
23 4. The fee I charged for this service was \$55.

24 I declare under the penalty of perjury that the foregoing is true and correct



25
26 Gary Steiner
27

28 6/5/24
29

Date

CLERK OF THE
SUPERIOR COURT
FILED
T. BLAND, CLERK

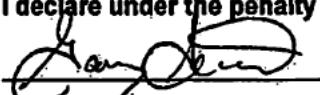
2024 JUN -5 PM 1:14

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3 Tscottlegal2007@aol.com

4 SUPERIOR COURT OF ARIZONA
5 MARICOPA COUNTY

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9 v.)
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11 Defendant(s).)
12
13

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15 Rule 4(c) of the Arizona Rules of Civil Procedure. I further swear that on May 23, 2024, I
16 received: Summons, Complaint, Certificate Of Compulsory Arbitration and a Verified
17 Complaint from The Plaintiff(s).
18 2. I then proceeded to successfully serve the above described documents on William Gates at
19 [REDACTED] Arizona on June 4, 2024 at approximately 3:05 pm. I knocked on
20 the door inside the garage structure and asked for William Gates. When he came to the door
21 I then verbally identified and served him.
22 3. This is considered to be personal service.
23 4. The fee I charged for this service was \$55.

24 I declare under the penalty of perjury that the foregoing is true and correct
25 
26
27

Gary Steiner

6/5/24

Date

Exhibit B

1 Office of the Phoenix City Attorney
2 Julie M. Kriegh, City Attorney, No. 021175
3 Karen Stillwell, Assistant City Attorney, No. 022711
4 200 West Washington, Suite 1300
5 Phoenix, Arizona 85003-1611
6 Telephone (602) 262-6761
7 law.civil.minute.entries@phoenix.gov
8 *Attorney for Defendants City of Phoenix
Officer Christopher Turiano, and Officer
William Gates*

9
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**

12 Susan Gellos, individually; Taryn
13 Foster, individually,

14 Plaintiffs,

15 vs.

16 City of Phoenix, a governmental
17 agency; Christopher John Turiano and
18 Jane Doe Turiano, husband and wife;
19 William Gates and Jane Doe Gates,
husband and wife; Richard Lee Brunton
and Jane Doe Brunton, husband and
wife; John and Jane Does 1-X; ABC
Corporations I-X; XYZ Partnerships I-
X,

Defendants.

Case No. CV2024-004703

20 **PHOENIX DEFENDANTS' NOTICE OF
21 FILING NOTICE OF REMOVAL**

22 (Assigned to the Honorable Michael Gordon)

23 Defendants City of Phoenix, Officer Christopher Turiano, and Officer William
24 Gates ("Phoenix Defendants"), by and through undersigned counsel, and pursuant to 28
U.S.C. §1441, et seq., hereby notify this Court that they have filed a Notice of Removal
of this action to the United States District Court for the District of Arizona.

1 A copy of the Notice of Removal filed June 24, 2024, is attached as Exhibit "A".
2

3 DATED this 24th day of June, 2024.
4

5
6 Office of the Phoenix City Attorney
7 Julie M. Kriegh, City Attorney
8

9
10 By /s/ Karen Stillwell
11 Karen Stillwell
12 Assistant City Attorney
13 *Attorneys for Defendants City of Phoenix,
14 Officer Christopher Turiano, and Officer
15 William Gates*

16 Original of the foregoing electronically
17 filed and COPY electronically served on
18 June 24, 2024, to:
19

20 Sean A. Woods
21 Mills and Woods Law PLLC
22 5055 North 12th Street, Suite 101
23 Phoenix, Arizona 85014
24 docket@millsandwoods.com
swoods@millsandwoods.com
Attorneys for Plaintiffs

25 By: /s/ M. Elena Sandoval
26 KLS:ca #2442006_1
27
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29
30
31
32
33
34